

S.B. Civil Writ Pet. No. 1565/94  
Radhey Shyam  
Vs.  
Addl. Collector (Vigilance) Sri Ganganagar.

Date of order : 18.4.2006

**HON'BLE MR. GOVIND MATHUR, J.**

Mr. Vikay Kumar Aggarwal for the petitioner.  
Mr. B.N. Calla for the respondent.

This petition for writ is preferred giving challenged to the judgment dated 04.2.1994 passed by the Addl. Collector (Vigilance), Sri Ganganagar exercising powers under Rule 272 of Rajasthan Panchayat (General) Rules, 1961.

The factual matrix required to be noticed for adjudication of instant writ for petition is that the Gram Panchayat, Govindpura made allotment of plot No. 83 in favour of the petitioner under a resolution dated 11.10.1987 in locality 18 GG. The respondent No. 3 Shri Het Ram assailed the validity of the aforesaid judgment by way of filing a revision petition under Sec. 272 of the Rules of 1961 before the Collector, Sri Ganganagar. The revision petition preferred by Shri Het Ram was transferred for its adjudication to the Addl. Collector and after hearing the parties it is held that the allotment of plot NO. 83 under the Resolution No. 4 by the gram panchayat, Govindpura was made

in violation of the procedure prescribed under the Rules of 1961 for allotment of land. The Addl. Collector by the judgment impugned dated 04.2.1994 while accepting the revision petition after considering the entire relevant record of the gram panchayat reached at a conclusion that the land in question was not registered with the gram panchayat, no objections were invited by the gram panchayat before making allotment and the resolution also not refers any reason for making allotment of land to the petitioner free of cost.

While giving challenge to the judgment dated 04.2.1994 passed by the Addl. Collector (Vigilance) Sri Ganganagar, it is contended by the learned counsel for the petitioner that the petitioner is a marginal farmer and, therefore, in view of the provisions of Sec. 31 of the Rajasthan Tenancy Act, 1955 the land was rightly allotted to the petitioner free of charge. According to the learned counsel for the petitioner during the period i.e. from the date of allotment to the date of filing of the revision petition, the petitioner has already constructed a house at the site in dispute, therefore, the order impugned is arbitrary and as such, in violation of Article 14 of the Constitution.

A reply to the writ petition has been filed on behalf of the respondent No. 1 stating therein that the land in dispute was

allotted to the petitioner without adhering the procedure prescribed for allotment of land under the Rules of 1961. It is specifically stated in the reply to the writ petition that while adopting the resolution dated 11.10.1987 there was no application of the petitioner claiming allotment of land and the decision of allotment of the land to the petitioner was taken even without having any demand in this regard by the petitioner.

Heard learned counsel for the parties.

From the perusal of the judgment impugned, it is apparent that the Addl. Collector after considering the relevant record of the gram panchayat, Govindpura reached at the conclusion that plot No. 83 at 18GG was allotted to the petitioner without adhering the procedure prescribed under the Rules of 1961. The gram panchayat never invited objections from the persons interested and also never proceeded for auction of the land. In reply to the writ petition, a specific averment is made by the respondents that no application was ever preferred by the petitioner claiming allotment of the land. This fact has not been denied by the petitioner. The allotment of land de-hore the Rules is apparent, therefore, the Addl. Collector by the judgment impugned rightly accepted the revision petition and cancelled the allotment of land made in favour of the petitioner.

In view of the whatever discussed above, the writ petition is having no merit, therefore, the same is dismissed.

**(GOVIND MATHURE), J.**

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